

CALIFORNIA LEGISLATURE

2009–10 REGULAR SESSION

SENATE DAILY JOURNAL

FIFTY-FIRST LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Tuesday, March 24, 2009

The Senate met at 9 a.m.

Hon. Darrell Steinberg, of the 6th District, presiding.

Secretary Greg Schmidt at the Desk.

Assistant Secretary David Valverde reading.

ROLL CALL

The roll was called and the following Senators answered to their names:

Alquist, Ashburn, Benoit, Calderon, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Ducheny, Dutton, Florez, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Maldonado, Negrete McLeod, Oropeza, Padilla, Pavley, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, and Yee—35.

Quorum present.

(NOTE: Senators Aanestad, Cedillo, and Lowenthal will be excused this day on legislative business and Senator Wyland will be excused this day on personal business.)

MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol
March 24, 2009

To the Senate of the State of California:

I have the honor to transmit to you herewith the following appointments or reappointments heretofore made by me to offices which by law are to be filled by the Governor. These appointments are subject to Senate



confirmation and consent. I hereby nominate these appointees to you and request your confirmation and consent.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

MARLON S. EVANS, is the executive director of All Stars Helping Kids since 2006. He previously served as a director at the Knowledge Is Power Program Foundation from 2003 to 2006 and as a major gifts officer for Stanford University Office of Medical Development from 2002 to 2003. Evans was the assistant director of undergraduate admissions at Stanford University from 1998 to 2001 and was a free agent with the NFL's Indianapolis Colts in 1998 and the Carolina Panthers in 1997. Appointed 02/25/09. Effective 03/23/09.

Member, Commission on Teacher Credentialing, vice, Paula A. Cordeiro, Ed.D., term expired, term ending 11/20/12.

GARY E. REED, is currently a partner in the investment management firm of Reed, Shoemaker & Brookshire since 1993 and has served on the California Community Colleges Board of Governors since 2005. Previous chief of staff to Assemblymen Bill Jones from 1991 to 1992 and Tulare County Supervisor from 1988 to 1990. Reed is a member of the Porterville Chamber of Commerce and served as past president of the Porterville Education Foundation. Reappointed 03/10/09. Effective 03/23/09.

Member, Board of Governors of the California Community Colleges, term ending 01/01/15.

CHARLES L. GAHAGAN, is an English and film studies teacher for Canyon Springs High School since 1986 and previous teacher of English, humanities and journalism for Mount Clemens High School in Michigan from 1969 to 1971 and 1974 to 1986. From 1972 to 1974, Gahagan was a Russian intercept operator, translator, transcriber, senior transcriber and German translator for the U.S. Army. He is the co-chair of the WASC Accreditation Leadership Team and holds a continuing clear single subject credential for English, GATE certificate and CLAD certificate. Appointed 02/25/09. Effective 03/20/09.

Member, Commission on Teacher Credentialing, vice, Lillian T. Perry, term expired, term ending 11/20/12.



JORGE LOPEZ, is the executive director for Oakland Charter Academy since 2004 and previous program director for Sacramento Youth Project/MAAP 2004. He was program director with Migrant Education Region XXVI (Area III) in 2003 and worked at Dolores Huerta Learning Academy as principal from 2000 to 2001 and teacher from 1999 to 2000. Lopez was a teacher for the Migrant Education Program/Gridley Unified School District in 1999 and worked for the Butte County Office of Education in 1998. Appointed 03/17/09. Effective 03/24/09.

Member, State Board of Education, vice, Kenneth A. Noonan, term expired, term ending 01/15/13.

Above appointments referred to the Committee on Rules.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, March 23, 2009

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted:

SCR 15

Above resolution ordered enrolled.

Assembly Chamber, March 23, 2009

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted:

ACR 44

FIRST READING OF ASSEMBLY MEASURES

The following measure was read the first time and referred to the Committee on Rules:

Assembly Concurrent Resolution 44—Relative to the federal decennial census.

REPORTS OF STANDING COMMITTEES

Committee on Business, Professions and Economic Development

Date of Hearing, March 23, 2009

Mr. President: The Committee on Business, Professions and Economic Development, to which was referred:

SB 132

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

NEGRETE McLEOD, Chair

Above measure re-referred to the Committee on Appropriations.



Date of Hearing, March 23, 2009

Mr. President: The Committee on Business, Professions and Economic Development, to which was referred:

SB 171

Reports the same back with the recommendation: Do pass and be placed on the Consent Calendar.

NEGRETE McLEOD, Chair

Above measure ordered to second reading.

Committee on Transportation and Housing

Senate Chamber, March 24, 2009

Mr. President: The Chair of the Committee on Transportation and Housing, to which was referred:

SCR 4

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

LOWENTHAL, Chair

Second Reading of Bills—Author's Amendments

Senate Concurrent Resolution 4—Relative to the Senator Daniel E. Boatwright Highway.

Resolution read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Natural Resources and Water

Date of Hearing, March 24, 2009

Mr. President: The Committee on Natural Resources and Water, to which was referred:

SB 4

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

PAVLEY, Chair

Above measure re-referred to the Committee on Appropriations.

Date of Hearing, March 24, 2009

Mr. President: The Committee on Natural Resources and Water, to which were referred:

SB 51

SB 133

SB 144

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Environmental Quality.

PAVLEY, Chair

Above measures re-referred to the Committee on Environmental Quality.



Date of Hearing, March 24, 2009

Mr. President: The Committee on Natural Resources and Water, to which was referred:

SB 42

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Energy, Utilities and Communications.

PAVLEY, Chair

Above measure re-referred to the Committee on Energy, Utilities and Communications.

Date of Hearing, March 24, 2009

Mr. President: The Committee on Natural Resources and Water, to which was referred:

SB 21

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

PAVLEY, Chair

Above measure ordered to second reading.

Committee on Rules

Senate Chamber, March 24, 2009

Mr. President: The Chair of the Committee on Rules, to which was referred:

SB 175

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

STEINBERG, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 175—An act to amend Section 12072 of the Penal Code, relating to firearms.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Judiciary

Senate Chamber, March 24, 2009

Mr. President: The Chair of the Committee on Judiciary, to which was referred:

SB 115

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

CORBETT, Chair



Second Reading of Bills—Author's Amendments

Senate Bill 115—An act to amend Sections 1360, 3103, and 18150 of, and to add Section 1225.5 to, the Government Code, relating to public employment.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Education

Date of Hearing, March 18, 2009

Mr. President: The Committee on Education, to which were referred:

SB 15

SB 123

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

ROMERO, Chair

Above measures ordered to second reading.

Committee on Public Safety

Senate Chamber, March 24, 2009

Mr. President: The Chair of the Committee on Public Safety, to which was referred:

SB 134

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

LENO, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 134—An act to amend Section 1712.1 of the Welfare and Institutions Code, relating to juveniles.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Judiciary

Date of Hearing, March 24, 2009

Mr. President: The Committee on Judiciary, to which was referred:

SB 53

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

CORBETT, Chair

Above measure re-referred to the Committee on Appropriations.



**CONSIDERATION OF DAILY FILE
SECOND READING OF SENATE BILLS**

Senate Bill 14—An act to add Section 705 to the Fish and Game Code, to amend Sections 25740, 25741, 25746, 25747, and 25751 of, and to add Section 25524 to, the Public Resources Code, to amend Sections 399.11, 399.12, 399.15, 399.17, and 454.5 of, to amend and renumber Sections 399.13, 399.14, and 399.16 of, to add Sections 399.14, 399.16, 399.22, 399.26, 399.27, 399.30, 399.31, and 1005.1 to, and to repeal Section 387 of, the Public Utilities Code, relating to utilities.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

MEMORANDUM OF UNDERSTANDING

Amended Summaries

Amended summaries for a Memorandum of Understanding (MOU) reached with Bargaining Units 1, 3, 4, 11, 14, 15, 17, 20, and 21 Service International Employees Union (SEIU), Local 1000, dated February 23, 2009, was received from the Department of Personnel Administration and filed pursuant to Senate Rule 29.4.

SENATE COMMITTEE ROLL CALLS

Committee on Business, Professions and Economic Development

SB 112—Do pass as amended, to Consent Calendar

AYES (10)—Senators Aanestad, Corbett, Correa, Florez, Negrete McLeod, Oropeza, Romero, Walters, Wyland, and Yee.

NOES (0)—None.

SB 132—Do pass and re-refer to Committee on Appropriations

AYES (10)—Senators Aanestad, Corbett, Correa, Florez, Negrete McLeod, Oropeza, Romero, Walters, Wyland, and Yee.

NOES (0)—None.

SB 171—Do pass, to Consent Calendar

AYES (10)—Senators Aanestad, Corbett, Correa, Florez, Negrete McLeod, Oropeza, Romero, Walters, Wyland, and Yee.

NOES (0)—None.

Date of Hearing: 3/23/2009

Negrete McLeod (Chair)

Committee on Natural Resources and Water

SB 4—Do pass and re-refer to Committee on Appropriations

AYES (7)—Senators Kehoe, Leno, Padilla, Pavley, Simitian, Wiggins, and Wolk.

NOES (3)—Senators Benoit, Hollingsworth, and Huff.



SB 21—Do pass as amended and re-refer to Committee on Appropriations

AYES (8)—Senators Benoit, Kehoe, Leno, Padilla, Pavley, Simitian, Wiggins, and Wolk.

NOES (2)—Senators Hollingsworth and Huff.

SB 42—Do pass and re-refer to Committee on Energy, Utilities and Communications

AYES (6)—Senators Leno, Padilla, Pavley, Simitian, Wiggins, and Wolk.

NOES (3)—Senators Benoit, Hollingsworth, and Huff.

SB 51—Do pass and re-refer to Committee on Environmental Quality

AYES (10)—Senators Benoit, Hollingsworth, Huff, Kehoe, Leno, Padilla, Pavley, Simitian, Wiggins, and Wolk.

NOES (0)—None.

SB 133—Do pass and re-refer to Committee on Environmental Quality

AYES (10)—Senators Benoit, Hollingsworth, Huff, Kehoe, Leno, Padilla, Pavley, Simitian, Wiggins, and Wolk.

NOES (0)—None.

SB 144—Do pass and re-refer to Committee on Environmental Quality

AYES (7)—Senators Kehoe, Leno, Padilla, Pavley, Simitian, Wiggins, and Wolk.

NOES (3)—Senators Benoit, Hollingsworth, and Huff.

Date of Hearing: 3/24/2009

Pavley (Chair)

Committee on Judiciary

SB 40—Do pass as amended

AYES (5)—Senators Corbett, Florez, Harman, Leno, and Walters.

NOES (0)—None.

SB 53—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Corbett, Florez, Harman, Leno, and Walters.

NOES (0)—None.

Date of Hearing: 3/24/2009

Corbett (Chair)

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day due to legislative business: Senators Aanestad, Cedillo, and Lowenthal.

The following Senator was granted leave of absence for the day due to personal business: Senator Wyland.



REQUESTS TO ADJOURN IN MEMORIAM

Senator Benoit requested that when the Senate adjourns this day it do so in memory of Frank M. Bogert of Palm Springs.

Senator Cox requested that when the Senate adjourns this day it do so in memory of Dr. Vanessa Pullen, Michael Pullen, Christopher Pullen, and Sydney Pullen of Galt.

Senator Dutton requested that when the Senate adjourns this day it do so in memory of Bud Summerfield of Highland.

ADJOURNMENT

At 3:30 p.m., the Senate adjourned pursuant to the Senators' requests until 9 a.m., Wednesday, March 25, 2009.

PAULA K. ROSSETTO, Minute Clerk

O

